



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,379	06/20/2003	Steve B. Taylor	2236.001	7549

7590 06/30/2004

Ray R. Regan, Esq.
Law Office of Ray R. Regan, P.A.
P.O. Box 1442
Corrales, NM 87048

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

10/600,379

Applicant(s)

TAYLOR, STEVE B.

Examiner

Victor MacArthur

Art Unit

3679

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 08 June 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet


GREGORY J. BINDA
PRIMARY EXAMINER

Continuation of 9. Other (including any explanation in support of the above items):

The status of canceled claims 23-31 is improperly listed as "Withdrawn" in the Status of Claims section.

The Notice of Appeal included an After Final Amendment canceling claims 23-31, which the Status of Claims section and the Status of Amendments section do not address. This amendment has been held to be non-compliant with current amendment practice as detailed in a separate advisory action.

The grouping of claims does not match the claims as rejected. A grouping for each ground of rejection is required.

Currently all claims are stated to stand and fall together and yet the applicant has contested all grounds of rejection. For example, if claim 11 stands or falls with claim 1, why are there separate arguments for each of these claims? (see page 13 of brief). Also, claims 14-15 are addressed in a separate section only to refer to arguments already made for claim 11.

Also the applicant should be advised that the After Final Amendment filed with the Notice of Appeal was found to be non-compliant with current amendment practice since claim 23 was not properly labeled as "Canceled". An advisory action detailing the non-compliant nature of this amendment was sent previously.